SLS 10RS-1820 ORIGINAL

Regular Session, 2010

SENATE BILL NO. 731

BY SENATOR CHAISSON

ATTORNEYS. Provides relative to contractual legal services to represent the state or a state agency.(8/15/10)

1 AN ACT

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To amend and reenact R.S. 49:258(1), relative to private contractual legal services to represent the state or a state agency; to provide relative to time limits for publication of certain documents; to require that the documents be published in certain publications; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 49:258(1) is hereby amended and reenacted to read as follows:

§258. Procurement of private contractual legal services for state agencies

Notwithstanding the provisions of any other law to the contrary and specifically the provisions of any law that authorizes the state or a state agency to appoint, employ, or contract for private legal counsel to represent the state or a state agency, including but not limited to the provisions of R.S. 42:261, 262, and 263, and R.S. 40:1299.39(E), any appointment of private legal counsel to represent the state or a state agency shall be made by the attorney general with the concurrence of the commissioner of administration in accordance with the following procedure: (1) All attorneys appointed as private legal counsel to represent the state or a state agency shall meet or exceed written minimum qualifications and all appointments shall be

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made in accordance with a written appointments procedure, both of which shall be established by the attorney general and the governor, or their designees. The commissioner of administration shall participate in the preparation of the minimum qualifications and the appointment procedure. The minimum qualifications and the appointments procedure shall be published at least annually biennially in the Louisiana Bar Journal or such and at least one other publication as that will reasonably assure dissemination to the membership of the Louisiana State Bar Association. The exercise of the authority provided in this Section shall not be subject to the Administrative Procedure Act.

\* \* \*

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Tracy Sabina Sudduth.

## **DIGEST**

<u>Present law</u> relative to private contractual legal services to represent the state or a state agency, requires that the minimum qualifications and the appointments procedure shall be published at least annually in the Louisiana Bar Journal or such other publication as will reasonably assure dissemination to the membership of the Louisiana State Bar Association.

<u>Proposed law</u> retains <u>present law</u> but changes the time requirement to publish <u>from</u> annually <u>to</u> biennially and further requires that the minimum qualifications and the appointments procedure be published in both the Louisiana Bar Journal and at least one publication that will reasonably assure dissemination to the membership of the Louisiana State Bar Association.

Effective August 15, 2010.

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(Amends R.S. 49:258(1))